

House Bill No. 670.
 House Bill No. 812.
 House Bill No. 718.
 House Bill No. 719.
 House Bill No. 797.
 House Bill No. 745.
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 House Bill No. 683.
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 House Bill No. 379.
 House Bill No. 47.
 House Bill No. 269.
 House Bill No. 158.
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 House Bill No. 336.
 House Bill No. 49.
 House Bill No. 343.
 House Bill No. 381.
 House Concurrent Resolution No. 83.
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 House Concurrent Resolution No. 84.
 House Concurrent Resolution No. 85.

FIFTY-THIRD DAY

(Wednesday, April 12, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Broadfoot
Allen	Brown of Cherokee
Allison	Brown
Alsup	of Nacogdoches
Anderson	Bundy
Bailey	Burkett
Baker	Burney
of Fort Bend	Cauthorn
Baker of Grayson	Celaya
Bell	Chambers
Blankenship	Clark
Boethel	Cleveland
Bond	Cockrell
Boyd	Coleman
Boyer	Colquitt
Bradbury	Colson, Mrs.
Bradford	Cornett
Bray	Corry
Bridgers	Crossley

Daniel	McDonald
Davis of Jasper	McFarland
Davis of Upshur	McMurry
Dean	McNamara
Derden	Mohrmann
Dickison	Monkhouse
Dickson	Montgomery
Donaghey	Morris
Dwyer	Newell
Faulkner	Nicholson
Felty	Oliver
Ferguson	Pace
Fielden	Petsch
Fuchs	Pevehouse
Galbreath	Piner
Gilmer	Pope
Goodman	Ragsdale
Gordon, Mrs.	Reader of Bexar
Hale	Reader of Erath
Hamilton	Reaves
Hankamer	Reed
Hardeman	Rhodes
Hardin	Riviere
Harp	Roach
Harper	Roberts
Harrell of Bastrop	Robinson
Harrell of Lamar	Russell
Harris	Segrist
Hartzog	Shell
Heflin	Skiles
Holland	Smith of Frio
Howard	Smith of Hopkins
Howington	Spencer
Hull	Stinson
Hunt	Stoll
Isaacks	Talbert
Johnson of Ellis	Tarwater
Johnson of Tarrant	Taylor
Kennedy	Tennant
Kern	Thornberry
Kerr	Thornton
Kersey	Turner
Kinard	Vint
King	Voigt
Langdon	Waggoner
Lehman	Weldon
Leonard	Westbrook
Leyendecker	White
Little	Wilson
Lock	Winfree
Loggins	Wood
London	Worley
Mays	Wright
McDaniel	

Absent—Excused

Dowell	Smith
Keith	of Matagorda
McAlister	Vale
Schuenemann	Wells

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, how unsearchable are Thy judgments, and Thy ways past finding out! May we not forget Thee as we carry on, even as Thou art ever mindful of us. So direct our efforts and shape their results that Thou mayest be pleased, and that we may benefit our fellowmen. In Jesus' name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Smith of Matagorda for today, on motion of Mr. Daniel.

Mr. McAlister for today, on motion of Mr. Bradford.

Mr. Schuenemann for today, on motion of Mr. Shell.

Mr. Vale for this morning, on motion of Mr. Celaya.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. White and Mr. Harper:

H. B. No. 971, A bill to be entitled "An Act fixing the compensation of Tax Collector-Assessor, County Clerk, District Clerk, Sheriff and County Auditor in all counties in this State having a population of not less than forty-eight thousand, five hundred and forty (48,540), and not more than forty-eight thousand, five hundred and eighty (48,580,) according to the last Federal Census, or any subsequent Federal Census; fixing mode and manner of payment of such salaries; fixing effective date; repealing all laws and parts of laws in conflict herewith, to the extent of the conflict only, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Ragsdale:

H. B. No. 973, A bill to be entitled "An Act providing for and fixing compensation of county auditors in certain counties, and declaring an emergency."

Referred to the Committee on Counties.

Mr. Davis of Upshur asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 972.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Davis of Upshur:

H. B. No. 972, A bill to be entitled "An Act authorizing the Board of Control and the Governor to execute deed and effect sale and transfer of one-half (1/2) acre of land in Upshur County, Texas; describing said land by metes and bounds; providing for deed and mode and manner of executing same; providing for consideration of said deed, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

BILL ORDERED NOT PRINTED

On Motion of Mr. Baker of Grayson, Senate Bill No. 70, was ordered not printed.

BILLS RE-REFERRED

Mr. Baker of Grayson moved that House Bill No. 788, be withdrawn from the Committee on Judiciary, and referred to the Committee on Criminal Jurisprudence.

The motion prevailed.

Mr. Harrell of Lamar moved that House Bill No. 119 be withdrawn from the Committee on State Affairs, and referred to the Committee on Counties.

The motion prevailed.

EXTENDING CONGRATULATIONS OF THE HOUSE TO HON. PAUL C. BOETHEL

Mr. Leonard offered the following resolution:

H. S. R. No. 225, Extending congratulations of the House to Hon. Paul C. Boethel.

Whereas, The House of Representatives, on this morning, received word of the election of the Hon. Paul C. Boethel, of Hallettsville, to succeed our dear departed friend and colleague, the Hon. J. J. Olsen; and

Whereas, A majority of the Membership of the House recall with pleas-

ure our former service with the Hon. Paul C. Boethel; and

Whereas, The Hon. Paul C. Boethel was, during his former service here, recognized as a sound and able Member of the House of Representatives; now, therefore, be it

Resolved by the House of Representatives, That we welcome the Hon. Paul C. Boethel again into our fold, and wish for him continuing success as he enters upon his duties of representing the people of the Twenty-third Representative District, and of Texas.

LEONARD,
MORSE,
HARTZOG,
BELL,
THORNTON,
BAKER of Fort Bend,
WORLEY,
HEFLIN,
SCHUENEMANN,
HANKAMER,
HOWARD,
BOND,
BROWN of Cherokee,
SHELL,
CELAYA,
RAGSDALE,
REED,
LANGDON,
HOLLAND,
POPE,
BOYER,
LITTLE,
FUCHS,
BROADFOOT,
DAVIS of Jasper,
McFARLAND,
READER of Bexar,
BLANKENSHIP,
RHODES,
McDONALD,
LEYENDECKER,
DONAGHEY,
TARWATER,
WINFREE,
DEAN,
COLQUITT,
SMITH of Matagorda,
STINSON,
JOHNSON of Ellis,
HARPER,
DWYER,
DERDEN,
SMITH of Hopkins,
WAGGONER,
FELTY,
HAMILTON,
CLEVELAND,
CAUTHORN,

HARRIS,
HULL,
LOGGINS,
JOHNSON of Tarrant,
ALSUP,
KERN,
ANDERSON,
NICHOLSON,
BRIDGERS,
WELDON,
WESTBROOK,
OLIVER,
RUSSELL,
MAYS,
KING,
HARDIN,
DICKISON.

The resolution was read second time.

Signed—Allen, Allison, Bailey, Baker of Grayson, Boyd, Bradbury, Bradford, Bray, Brown of Nacogdoches, Bundy, Burkett, Burney, Chambers, Clark, Cleveland, Cockrell, Coleman, Colson, Mrs., Cornett, Corry, Crossley, Daniel, Davis of Upshur, Dickson, Dowell, Faulkner, Ferguson, Fielden, Galbreath, Gilmer, Goodman, Gordon, Mrs., Hale, Hardeman, Harp, Harrell of Bastrop, Harrell of Lamar, Howington, Hunt, Isaacks, Keith, Kennedy, Kerr, Kersey, Kinard, Lehman, Lock, London, McAlister, McDaniel, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Pace, Petsch, Pevehouse, Piner, Reader of Erath, Reaves, Riviere, Roach, Roberts, Robinson, Segrist, Skiles, Smith of Frio, Spencer, Stoll, Talbert, Taylor, Tennant, Thornberry, Turner, Vale, Vint, Voigt, Wells, White, Wilson, Wood and Wright.

On motion of Mr. Roberts, the names of all the Members of the House were added to the resolution, as signers thereof.

The resolution was unanimously adopted.

OATH OF OFFICE ADMINISTERED

Speaker Morse stated that Hon. Paul Boethel, Representative-elect of the Twenty-third Representative District, was within the Bar of the House, presenting his certificate of election, and that the Constitutional oath of office would now be administered to him.

The Speaker announced the appointment of the following committee to escort Mr. Boethel to the Speaker's Stand: Messrs. Leonard, Hartzog,

Bell, Thornton and Baker of Fort Bend.

Mr. Boethel then came forward, escorted by the committee, and took the Constitutional oath of office, which was administered to him by Hon. R. Emmett Morse, Speaker.

The Speaker then presented Hon. E. H. Thornton, Jr., of Galveston County, who introduced Hon. Paul Boethel to the House.

Mr. Boethel then addressed the House.

INVITING THE CHOIR OF THE NORTH TEXAS STATE TEACHERS COLLEGE TO APPEAR BEFORE THE HOUSE

Mr. Ferguson offered the following resolution:

H. S. R. No. 226, Inviting the choir of the North Texas State Teachers College to appear before the House.

Whereas, The A'Capalla choir of the North Texas State Teachers College will visit the City of Austin on Friday, April 21st; and

Whereas, This outstanding musical organization is well known throughout Texas; and

Whereas, It would be to the enjoyment of the Members of the House to hear these musicians; now, therefore, be it

Resolved by the House of Representatives, That we extend an invitation to said choir to appear before the House for a short program on April 21st, at a convenient time to be arranged by the Speaker.

FERGUSON,
SKILES,
LANGDON,
BAKER of Grayson,
CORY.

The resolution was read second time, and was adopted.

RELATIVE TO CERTAIN VENDING STAND IN CAPITOL BUILDING

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 17, Relative to certain vending stand in Capitol Building.

Whereas, The Congress of the United States has properly recognized the need for aiding deserving blind through the United States; and

Whereas, The State of Texas is desirous of cooperating with the Na-

tional government in properly rendering aid to those blind in Texas desiring and deserving assistance whereby they may make themselves more useful to society and thereby maintain their self respect; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That consent is hereby given to the State Board of Control to arrange a suitable and proper place in the Capitol Building of Texas for a vending stand to be occupied by some deserving and needy blind person who is a citizen of Texas and who is to be named by the Board of Control from a list of names submitted to it by the State Commission of the Blind, and said vending stand shall at all times be operated in a sanitary condition agreeable to such rules and regulations as may be laid down by the State Board of Health, and the violation of any and all such rules and conditions set up by the State Board of Control shall be grounds for dismissing any and all occupants from said stand and without notice.

The resolution was read second time.

On motion of Mr. Thornton, the resolution was referred to the Committee on Public Lands and Buildings.

RELATIVE TO HOUSE BILL NO. 908

By unanimous consent of the House, the following amendment by Mr. Hardin was adopted to House Bill No. 908:

Amend House Bill No. 908, page 4, Section 8, line 32, change "and," to "on." Page 4, Section 8, line 20, take out comma between words "deficit, due," and insert word "is." Page 7, Section 22, line 11, change word "office," to "officer."

HARDIN.

MESSAGE FROM THE SENATE

Austin, Texas, April 12, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has adopted

S. C. R. No. 36, Suspending Joint Rules of the House and Senate.

Conference Committee Report on

House Bill No. 194, by the following vote: Yeas, 21; Nays, 7.

Respectfully,

BOB BARKER,

Secretary of the Senate.

SENATE BILL NO. 33 ON PASSAGE TO THIRD READING

The Speaker laid before the House, as unfinished business, on its passage to third reading,

S. B. No. 33, A bill to be entitled "An Act to require all purchasers of trees and timber, or either of them, in the form of logs, staves, shingles, pulp wood, or any of them to obtain a bill of sale therefor from the seller, providing what shall be contained in such bill of sale; providing penalties for violation of this Act, and declaring an emergency."

The bill having heretofore been read second time with committee amendment by Mr. Wilson and substitute by Mr. Fielden for the committee amendment and motion by Mr. Boyd to table the substitute amendment by Mr. Fielden, pending.

On motion of Mr. Davis of Jasper, further consideration of Senate Bill No. 33 was postponed until 10:30 o'clock a. m., next Wednesday, April 19.

SENATE JOINT RESOLUTION NO. 4 ON SECOND READING

The Speaker laid before the House, on its second reading,

S. J. R. No. 4, Proposing an amendment to Article V of the Constitution of the State of Texas, etc.

The resolution was read second time.

Mr. Bell offered the following amendments to the resolution:

Amend Senate Joint Resolution No. 4, page 2, line 1, by striking out the period and quotation marks and adding after the words, "State," the following: "or in any case or controversy involving the validity of any bond election held by any municipality or political subdivision of this State."

Amend Senate Joint Resolution No. 4, page 2, line 11, by striking out the quotation marks and adding after the word "order," the following: "and the validity of certain election contests."

Amend Senate Joint Resolution No. 4, page 2, line 18, by striking out the quotation marks and adding after the word "orders," the following: "and

the validity of certain election contests."

The amendments were severally adopted.

Senate Joint Resolution No. 4 was then passed by the following vote:

Yeas—118

Allison	Harper
Alsup	Harrell of Bastrop
Bailey	Harrell of Lamar
Baker	Harris
of Fort Bend	Hartzog
Baker of Grayson	Holland
Bell	Howington
Boethel	Hunt
Bond	Isaacks
Boyd	Johnson of Ellis
Boyer	Johnson of Tarrant
Bradbury	Kennedy
Bradford	Kern
Bray	Kerr
Bridgers	Kersey
Broadfoot	Kinard
Brown of Cherokee	King
Brown	Langdon
of Nacogdoches	Lehman
Bundy	Leonard
Burkett	Leyendecker
Burney	Little
Cauthorn	Lock
Chambers	McDaniel
Clark	McDonald
Cleveland	McFarland
Cockrell	McMurry
Coleman	McNamara
Colquitt	Mohrmann
Colson, Mrs.	Monkhouse
Cornett	Morris
Corry	Newell
Crossley	Nicholson
Daniel	Oliver
Davis of Jasper	Pace
Davis of Upshur	Pevehouse
Derden	Piner
Dickison	Pope
Dickson	Reader of Bexar
Donaghey	Reader of Erath
Faulkner	Reaves
Felty	Reed
Ferguson	Rhodes
Fielden	Riviere
Fuchs	Roach
Galbreath	Roberts
Gilmer	Robinson
Goodman	Russell
Gordon, Mrs.	Segrist
Hale	Smith of Frio
Hamilton	Smith of Hopkins
Hankamer	Spencer
Hardeman	Stinson
Hardin	Taylor
Harp	Tennant

Thornberry	Weldon
Thornton	White
Turner	Wilson
Vint	Worley
Waggoner	Wright

Nays—1

Allen

Absent

Anderson	Petsch
Blankenship	Ragsdale
Celaya	Shell
Dean	Skiles
Dwyer	Stoll
Heflin	Talbert
Howard	Tarwater
Hull	Voigt
Loggins	Westbrook
London	Winfree
Mays	Wood
Montgomery	

Absent—Excused

Dowell	Smith
Keith	of Matagorda
McAlister	Vale
Schuenemann	Wells

SENATE BILL NO. 95 ON PAS- SAGE TO THIRD READING

The Speaker laid before the House, as postponed business, on its passage to third reading,

S. B. No. 95, A bill to be entitled "An Act to amend Article 1302, Title 32, of the Revised Civil Statutes of Texas, of 1925, by adding another subdivision thereto authorizing private corporations to be created for the purpose of manufacturing, buying and selling of lumber and building materials and the construction of buildings and improvements, and declaring an emergency."

The bill having heretofore been read second time and further consideration of same postponed until today.

On motion of Mrs. Gordon, further consideration of Senate Bill No. 95 was postponed indefinitely.

SENATE BILL NO. 9 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 9, A bill to be entitled "An Act providing that there shall

hereafter be paid out of the revenue of this State, on the last day of each month, to each actual bona fide citizen of this State over the age of sixty-five years the sum of Fifteen (\$15.00) Dollars per month as old age assistance, providing that no habitual criminal, and no habitual drunkard, while such habitual drunkard, and no inmate of any State supported institution, while such inmate, shall be eligible for such old age assistance; providing that the length of time of actual residence in Texas shall never be less than five years during the nine years immediately preceding the application for old age assistance and continuously for one year immediately preceding such application. Providing that the officers charged with the administration of this Act shall receive from the Government of the United State financial aid for old age assistance; and that they shall pay out such old age assistance received from the Government of the United States to those persons in need as provided herein and all such funds shall be kept and disbursed separately. Providing that the County Commissioners Court of the respective counties and the State Comptroller shall administer this Act. Providing the method and procedure by which applicants may qualify for and obtain such old age assistance; defining the duties of the Commissioners Court, and of the County Clerk and the Attorney General and the Comptroller in connection with the administration of this Act, giving the right of appeal; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

(Mr. Hull in the Chair.)

Mr. Bradbury offered the following amendment to the bill:

Amend Senate Bill 9, page 6, by striking out lines 1, 2, 3, 4, 5, 6, 7, and that part of line 8 ending with the word "amount."

BRADBURY,
HARRELL of Lamar.

(Speaker in the Chair.)

Mr. Riviere moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—59

Allen	King
Bailey	Lehman
Baker	Loggins
of Fort Bend	London
Baker of Grayson	McFarland
Boyer	McMurry
Bradford	McNamara
Broadfoot	Mohrmann
Chambers	Montgomery
Coleman	Newell
Daniel	Pace
Davis of Jasper	Reader of Erath
Derden	Reaves
Dwyer	Reed
Faulkner	Rhodes
Fielden	Riviere
Galbreath	Robinson
Hankamer	Segrist
Hardin	Spencer
Harp	Stinson
Harper	Stoll
Hartzog	Tarwater
Howard	Taylor
Howington	Thornton
Hull	Turner
Isaacks	Voigt
Kennedy	Waggoner
Kerr	White
Kersey	Wilson
Kinard	Winfree

Nays—64

Allison	Felty
Alsup	Ferguson
Bell	Fuchs
Boethel	Gilmer
Bond	Gordon, Mrs.
Boyd	Hale
Bradbury	Hardeman
Bray	Harrell of Lamar
Bridgers	Heflin
Brown of Cherokee	Holland
Brown	Kern
of Nacogdoches	Langdon
Bundy	Leonard
Burkett	Leyendecker
Burney	Lock
Cauthorn	Mays
Celaya	McDonald
Clark	Monkhouse
Cleveland	Morris
Cockrell	Nicholson
Cornett	Oliver
Corry	Pevehouse
Crossley	Piner
Davis of Upshur	Ragsdale
Dickson	Reader of Bexar
Donaghey	Roach

Roberts	Thornberry
Russell	Vint
Skiles	Weldon
Smith of Frio	Westbrook
Smith of Hopkins	Wood
Talbert	Wright
Tennant	

Absent

Anderson	Hunt
Blankenship	Johnson of Ellis
Colquitt	Johnson of Tarrant
Colson, Mrs.	Little
Dean	McDaniel
Dickison	Petsch
Goodman	Pope
Hamilton	Shell
Harrell of Bastrop	Worley
Harris	

Absent—Excused

Dowell	Smith
Keith	of Matagorda
McAlister	Vale
Schuenemann	Wells

Question then recurring on the amendment by Mr. Bradbury, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows: Yeas—63; Nays—62.

A verification of the vote was requested.

Mr. Reader of Erath moved a call of the House pending the verification, and the call was not seconded.

The roll of the "yeas" and "nays" was again called on the amendment by Mr. Bradbury and the verified vote resulted, as follows:

Yeas—72

Allison	Clark
Alsup	Cleveland
Anderson	Cockrell
Bailey	Cornett
Baker of Grayson	Crossley
Bell	Davis of Upshur
Boethel	Dean
Bond	Dickison
Boyd	Dickson
Bradbury	Donaghey
Bridgers	Dwyer
Brown of Cherokee	Felty
Brown	Ferguson
of Nacogdoches	Fielden
Bundy	Fuchs
Burkett	Gilmer
Burney	Goodman
Cauthorn	Hale
Celaya	Hamilton

Hardeman	Reader of Bexar
Harrell of Lamar	Reaves
Harris	Roach
Heflin	Roberts
Holland	Smith of Frio
Hunt	Smith of Hopkins
Johnson of Tarrant	Talbert
Kern	Taylor
Leonard	Tennant
Leyendecker	Thornberry
Lock	Vint
Monkhouse	Voigt
Morris	Weldon
Nicholson	Westbrook
Oliver	White
Pevehouse	Wood
Piner	Worley
Ragsdale	

Nays—58

Allen	Lehman
Baker	Loggins
of Fort Bend	London
Boyer	McDonald
Bradford	McFarland
Bray	McMurry
Broadfoot	McNamara
Chambers	Mohrmann
Coleman	Montgomery
Daniel	Newell
Davis of Jasper	Pace
Derden	Reader of Erath
Faulkner	Reed
Galbreath	Rhodes
Gordon, Mrs.	Riviere
Hankamer	Robinson
Hardin	Russell
Harp	Segrist
Harrell of Bastrop	Skiles
Hartzog	Spencer
Howard	Stinson
Howington	Stoll
Hull	Tarwater
Isaacks	Thornton
Kennedy	Turner
Kerr	Waggoner
Kersey	Wilson
Kinard	Winfree
King	Wright
Langdon	

Absent

Blankenship	Little
Colquitt	Mays
Colson, Mrs.	McDaniel
Corry	Petsch
Harper	Pope
Johnson of Ellis	Shell

Absent—Excused

Dowell	McAlister
Keith	Schuenemann

Smith	Vale
of Matagorda	Wells

The Speaker announced that the amendment by Mr. Bradbury was adopted.

Mr. Harrell of Lamar offered the following amendment to the bill:

Amend Senate Bill No. 9 by adding a new section to be known as Section 12a to read as follows:

"No person shall be employed by the Commission who habitually uses intoxicating beverages."

The amendment was adopted.

Question: Shall Senate Bill No. 9 pass to third reading?

COMMUNICATIONS FROM SOCIAL SECURITY BOARD

On motion of Mr. Baker of Grayson, the following communication was ordered printed in the Journal:

Washington, D. C., September 14, 1938

Mr. Claude D. Teer,

Chairman,

State Board of Control,

Texas Old-Age Assistance Commission,

Austin, Texas

My dear Mr. Teer:

Mr. Oscar Powell has referred to me your letter of September 3 in which you ask for information concerning the attitude of the Social Security Board with respect to four questions which have been propounded to you by the incoming governor of Texas.

As you know, the Social Security Board does not approve State legislation as such, but rather passes upon a State plan which includes not only the legal basis for the administration of old-age assistance but also a detailed description of the organization and methods of operation to be utilized by State and local agencies administering this type of aid. While the Social Security Act leaves to each State wide latitude in determining the specific methods of administration which will be employed in its program, there are certain fundamental principles which are inherent in the administration of any system of old-age assistance to needy individuals.

The Social Security Act and the appropriation acts which make funds available for grants to States for

old-age assistance provide that Federal funds may be used only for aid to needy aged individuals. The Social Security Board has interpreted these provisions to mean that investigation must be made into the need of each applicant and that assistance must be granted in relation to that individual need.

The answers to the specific questions you asked are as follows:

1. "Will the Federal Government match payments of \$15 upon affidavit of applicants or pensioners that they are needy and verified by County Judge?"

If we understand this question correctly, it is contemplated that an assistance payment of \$30 per month (representing \$15 from the State and \$15 from the Federal Government) will be made to each aged individual who has filed an affidavit that he is in need and has had that affidavit verified by the County Judge. An old-age assistance plan which provided a flat grant of the same amount to each applicant would not be in conformity with the Board's policy that assistance must be granted in accordance with individual need. We assume that the phrase "verified by County Judge" means that there would not be an investigation of each application. Therefore, such a plan of operation would also fail to conform with the Board's requirement that an investigation must be made into the needs and resources of each applicant.

2. "If not, what authority would the Social Security Board want to prove such need?"

Under the Federal law the Social Security Board is charged with the responsibility of seeing that the methods utilized in the administration of State old-age assistance programs are efficient. However, the State, rather than the Federal Government, designates the State and local agencies which are to administer this program. In every State there is now some type of local agency, usually either a branch of the State Welfare Department or a local department of public welfare operating under the supervision of the State Department of Public Welfare, responsible for receiving applications, investigating eligibility, and determining or recommending the amount of assistance to be granted in each case.

3. "Can the Old-Age Assistance Commission be reduced to a skeleton organization for the purpose of writing checks to pensioners listed and verified by County Judges, and send the checks to the County Judges to be delivered in person to the pensioners who call at the County Courthouse for the same?"

The Social Security Board considers that efficient administration of an old-age assistance program requires the maintenance of a State agency responsible for the general direction of the program, for the formulation of policies and procedures, and for the supervision of the local administrative units through a State field staff. As has already been indicated the Board also believes that it is essential that a staff be maintained in the localities for the investigation of applications, for maintaining contact with recipients in order to determine the changing needs and resources, and for providing the necessary supplementary services to recipients. It would not seem possible for a "skeleton organization" of the sort indicated by the question to provide the proper protection for Federal funds, to assure the Board of State-wide operation of the old-age assistance program, of efficient methods of administration, or of accurate reports to the Federal Government as required by the Social Security Act.

4. "What laws would have to be changed to reduce the personnel as above suggested?"

Since this question is entirely a matter of State law, we should suggest that it be referred to the appropriate State legal authority. It should be noted that the Social Security Board requires that any material modification of a State old-age assistance program must be submitted as an amendment to the approved State old-age assistance plan. If the changes suggested by these questions are put into effect, it will be necessary for Texas immediately to submit for the Board's consideration a revised old-age assistance plan.

Very sincerely,

FRANK BANE,
Executive Director.

Mr. Kern moved that certain communication from the Social Security Board be printed in the Journal.

Mr. Hardin raised a point of order,

on consideration of the motion by Mr. Kern, at this time, on the ground that the routine motion period has expired and that said motion is not a privileged motion.

The Speaker sustained the point of order.

Mr. Alsop moved to suspend the Rules, relative to the making of routine motions for the purpose of making a motion to print the communication in the Journal.

The motion to suspend the Rules prevailed.

On motion of Mr. Kern, the following communication was ordered printed in the Journal:

January 14, 1939.

The Honorable William Robert Poage,
House of Representatives,
Washington, D. C.

Dear Congressman Poage:

As I stated to you in our telephone conversation yesterday, we have reviewed the old-age assistance bill which Senator Doss Hardin submitted to us with his letter of December 20, 1938. We have sent our comments to our regional representative, Miss Eleanore A. Schopke, and have asked her to discuss the comments with Senator Hardin.

Although we do not officially pass upon the conformity of any proposed bill with the Social Security Act, there would seem to be no doubt that a plan based upon the provisions of this bill would not be in conformity with the Federal act. There is no provision for a single State agency to administer the plan, the administration being the responsibility of the State Comptroller and the County Commissioners' Courts of the 254 counties in the State. Title I of the Federal act requires that there be a single State agency to administer or supervise the administration of an assistance plan.

Because there is no provision for a single State agency, other requirements of Title I of the Social Security Act which assume administration by such an agency are not met by the proposed legislation.

Furthermore, under the provisions of the Social Security Act and the appropriation acts, Federal grants are made to States to enable them to furnish financial assistance to needy aged individuals. The Federal act contemplates that assistance will be paid

by the States to individuals on the basis of need. The proposed legislation provides for a monthly flat grant to individuals from State funds irrespective of need. Therefore, there would seem to be no appropriate basis for Federal matching of such funds.

Sincerely yours,

JANE M. HOEY,
Director.

On motion of Mr. Worley, the following communication was ordered printed in the Journal:

Washington, D. C., March 29, 1939

E. R. Lindley, Chief Clerk, House of Representatives.

Your letter of March 24 received with House Senate Resolution No. 182, and House Joint Resolution No. 16 attached. Social Security Board cannot pass officially on legislation until it is submitted as part of State plan. Our regional director, James Marley will discuss provisions of House Joint Resolution No. 16 with Mr. Eugene Worley.

JANE M. HOEY,
Social Security Board.

MESSAGE FROM THE SENATE

Austin, Texas, April 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 517.

The following have been appointed on the part of the Senate: Senators Lemens, Shivers, Nelson, Stone of Washington and Hardin.

I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 142.

The following have been appointed on the part of the Senate: Senators Pace, Isbell, Redditt, Beck and Winfield.

The Senate has adopted

H. C. R. No. 91, Requesting the return of House Bill No. 683 from the Governor's office.

The Senate has passed

S. B. No. 111, A bill to be entitled "An Act to amend Chapter 93, Acts

of the First Called Session of the Forty-first Legislature of the State of Texas, further defining the duties of the Commissioner of Agriculture, providing certain safeguards for the purchasers of seed produced outside of Texas and shipped into Texas, providing that seed sold as registered and certified in Texas meet Texas standards, requiring permit to ship certain planting seed into Texas, providing fees for such permits, clarifying certain terms used under the Seed Certification program, providing penalties, and declaring an emergency."

S. B. No. 141, A bill to be entitled "An Act amending Article 3393a of the Revised Civil Statutes of 1925 (Acts, 1929, Forty-first Legislature, page 130, Chapter 63, Section 1), and Article 3396 of the Revised Civil Statutes of 1925, as amended by Acts of 1935, Forty-fourth Legislature, page 654, Chapter 266, Section 1, so as to provide for the method of reducing the amount of bonds required of executors and administrators and for service by citation by mail upon parties in interest not resident in a county; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 105, A bill to be entitled "An Act to preserve filed pleadings by making just and convenient regulations to such end, repealing all conflicting laws, and declaring an emergency."

H. B. No. 97, A bill to be entitled "An Act to amend Article 2199 of the Revised Statutes, by adding thereto provision for reading from the Court Reporter's notes; repealing conflicting law, and declaring an emergency." (With amendments.)

H. B. No. 166, A bill to be entitled "An Act to amend Senate Bill No. 249, Chapter 122, of the General Laws passed by the Regular Session of the Thirty-eighth Legislature, and approved March 23, 1923, being Article 2797 of the Revised Civil Statutes of 1925, providing for the issuance of serial coupon bonds for school purposes; authorizing such bonds to be issued by the Board of Trustees of any city or town which has assumed the control of its public free schools, or shall hereafter assume control thereof; etc., and declaring an emergency." (With amendments.)

H. B. No. 469, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in each county in Texas, having a population of not less than 29,750 nor more than 30,025, according to the last Federal Census; repealing all laws and parts of laws in conflict, and declaring an emergency."

S. B. No. 426, A bill to be entitled "An Act to amend Article 5885 of the Revised Civil Statutes of Texas, 1925, so as to define the assistance which counties, cities and towns may render to the National Guard, validating certain donations heretofore made, and declaring an emergency."

S. B. No. 13, A bill to be entitled "An Act to amend Sections Nos. 7, 16, 22, 23, 24, 25, 28, 30, 35, 37, and 42 of Senate Bill No. 111, passed at the Second Called Session of the Forty-first Legislature, and known as Chapter 61, page 100, of the General Laws passed at said Second Called Session of the Forty-first Legislature, and by adding four new sections to said Chapter to be known as Sections numbered 10-a, 38-a, 38-b, and 58-a, so as to provide for the supervision and control of building and loan associations; providing for the appointment of a building and loan supervisor, building and loan examiners and other employees, and providing for their qualifications; providing for joint examinations by certain regulatory authorities, and authorizing the furnishing of information by such examiners to other regulatory officers and authorities; providing that remedies therein contained are accumulative; and declaring an emergency."

H. B. No. 513, A bill to be entitled "An Act to amend Chapter 17, Special Acts of the First Called Session of the Forty-second Legislature, being Senate Bill No. 44, permitting the seining of fish during the months of July, August and September of any year in Hunt, Kaufman and Rains Counties, and declaring an emergency." (With amendment.)

H. B. No. 657, A bill to be entitled "An Act providing the amount of salaries for the First Assistant to the Tax Assessor and Collector in certain counties; providing for the salaries of Cashiers of such Assessor and Collector; providing for the salaries of all other assistants and deputies to such an officer; repealing all

laws in conflict therewith to the extent of the conflict only, and declaring an emergency." (With amendment.)

H. B. No. 739, A bill to be entitled "An Act to repeal Chapter 47, House Bill No. 110, Acts, First Called Session of the Forty-third Legislature, pertaining to the use of seines and nets in Red River County, and declaring an emergency."

H. B. No. 863, A bill to be entitled "An Act making provisions in certain independent school districts in this State, for an election to determine tax rate to be levied for payment of bonds and interests thereon; and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

MESSAGE FROM THE SENATE

Austin, Texas, April 12, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 813.

The following have been appointed on the part of the Senate: Senators Lemens, Metcalfe, Winfield, Graves, and Moffett.

H. B. No. 95, A bill to be entitled "An Act to amend Articles 5024, 5025, 5026, 5029, and 5032 of Chapter 20, Title 78 of the Revised Civil Statutes of Texas, 1925, relating to indemnity contracts by reciprocal or inter-insurance exchanges and to fix the extent of liability of subscribers at such exchanges and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency." (With amendments.)

Adopted the Conference Committee Report on House Bill 374 by the following vote: Yeas—31; Nays—0.

Respectfully,

BOB BARKER,
Secretary of the Senate.

TO SUSPEND CERTAIN JOINT RULES

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 36, To suspend certain Joint Rules

Whereas, The Senate desires to work on bills appearing on its Local and non-contested Calendar on Thursday afternoon, April 13, beginning at 2:00 o'clock; and

Whereas, There are a number of Senate Bills that may be on said calendar, now; therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, That the Joint Rules prohibiting consideration of Senate Bills in the Senate on House Bill days be suspended from 2:00 o'clock p. m. on April 13th, 1939, until 1:00 o'clock a. m. on April 13th, 1939.

The resolution was read second time and was unanimously adopted.

HOUSE BILL NO. 166 WITH SENATE AMENDMENTS

Mr. Isaacks called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 166, A bill to be entitled "An Act to amend Senate Bill No. 249, Chapter 122, of the General Laws passed by the Regular Session of the Thirty-eighth Legislature, and approved March 23, 1923, being Article 2797 of the Revised Civil Statutes of 1925, providing for the issuance of serial coupon bonds for school purposes; authorizing such bonds to be issued by the Board of Trustees of any city or town which has assumed the control of its public free schools, or shall hereafter assume control thereof, where control of such schools is exercised through a Board of Trustees; providing for the calling and holding of election to authorize issuance of such bonds, and the issuance thereof in form and manner authorized in respect of independent school districts proper; providing for the levy and collection of tax necessary for the service of such bonds; providing that such bonds shall be the obligations of the city or town in its capacity as a school district proper and that any limitation in the amount of bonded indebtedness permitted such city or town contained in the charter of such city or town, or in other provision of law, general or special, shall not apply to the issuance of such bonds; repealing all laws and parts of laws, general and special, in conflict herewith; and declaring an emergency."

On motion of Mr. Isaacks, the House concurred in the Senate amendments by the following vote:

Yeas—121

Allen	Howington
Allison	Hull
Alsup	Hunt
Anderson	Isaacks
Bailey	Johnson of Ellis
Baker	Johnson of Tarrant
of Fort Bend	Kennedy
Baker of Grayson	Kern
Bell	Kerr
Blankenship	Kersey
Boethel	Kinard
Bond	King
Boyd	Langdon
Boyer	Lehman
Bradbury	Leonard
Bradford	Leyendecker
Bray	Little
Bridgers	Lock
Broadfoot	London
Brown of Cherokee	McDaniel
Brown	McDonald
of Nacogdoches	McFarland
Bundy	McMurry
Burkett	McNamara
Cauthorn	Mohrmann
Chambers	Monkhouse
Cleveland	Montgomery
Cockrell	Morris
Coleman	Newell
Colson, Mrs.	Pace
Cornett	Petsch
Crossley	Pevehouse
Daniel	Ragsdale
Davis of Jasper	Reader of Erath
Davis of Upshur	Reed
Derden	Rhodes
Dickison	Riviere
Dickson	Roach
Donaghey	Roberts
Faulkner	Robinson
Felty	Russell
Ferguson	Segrist
Fuchs	Skiles
Galbreath	Smith of Hopkins
Gilmer	Spencer
Gordon, Mrs.	Stinson
Hamilton	Stoll
Hankamer	Talbert
Hardeman	Tarwater
Hardin	Taylor
Harp	Tennant
Harper	Thornberry
Harrell of Bastrop	Thornton
Harris	Turner
Hartzog	Vint
Heflin	Voigt
Holland	Waggoner
Howard	Weldon

Westbrook
White
Wilson
Winfree

Wood
Worley
Wright

Absent

Burney	Loggins
Celaya	Mays
Clark	Nicholson
Colquitt	Oliver
Corry	Piner
Dean	Pope
Dwyer	Reader of Bexar
Fielden	Reaves
Goodman	Shell
Hale	Smith of Frio
Harrell of Lamar	

Absent—Excused

Dowell	Smith
Keith	of Matagorda
McAlister	Vale
Schuenemann	Wells

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 374

Mr. Hardeman submitted the following Conference Committee Report on House Bill No. 374:

Austin, Texas,
April 12, 1939.

Hon. Coke R. Stevenson, Lieutenant Governor of Texas

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and the Senate on H. B. 374, have met and beg leave to recommend that said House Bill 374 be passed in the form hereto attached.

Respectfully submitted,

NELSON,
LANNING,
METCALFE,
BURNS,
COTTEN,

On the part of the Senate.

HARDEMAN,
BOND,
REAVES,
HEFLIN,
DICKISON,

On the part of the House.

H. B. No. 374

A BILL

To Be Entitled

An Act providing for the holding of college entrance examinations; au-

thorizing and directing the setting up of rules and regulations necessary thereto; providing for the setting up of the system of fees and for the depositing of the same in the General Fund; providing the manner in which said fees shall be set and making an appropriation; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. The State Superintendent of Public Instruction is hereby authorized and directed to provide for the holding of college entrance examinations throughout the State in the manner hereinafter stipulated.

Sec. 2. The State Superintendent of Public Instruction is hereby authorized and directed to set up such rules, regulations and administrative units necessary to the carrying out and holding of college entrance examinations. He shall keep such records, issue such receipts and make disbursements on forms and in such manner as may be prescribed by the State Auditor and Efficiency Expert.

Sec. 3. The State Superintendent of Public Instruction is hereby authorized and directed to set up a system of fees not exceeding One Dollar (\$1) for any four (4) subjects taken in said examinations, to employ such labor, purchase such materials and provide all necessary expenses to the complete handling of the administrative duties. All fees collected under this Act shall be placed by the State Superintendent of Public Instruction in the General Fund of the State. The examinations herein provided for shall be held in the counties of the residences of the persons desiring to take such examinations.

Sec. 4. The fees collected by the State Superintendent of Public Instruction shall be based by the State Superintendent of Public Instruction upon the actual cost for the preceding year of the administration of this Act not to exceed One Dollar (\$1) for any four (4) subjects taken in said examination.

Sec. 5. There is hereby appropriated out of the General Fund of the State of Texas, not otherwise appropriated, so much money as is necessary to administer this Act from and after its passage for the remaining biennium of 1938-1939 not to exceed the sum of Six Hundred (\$600) and for

the regular biennium September 1, 1939, to September 1, 1941, so much as may be necessary to administer this Act not to exceed the sum of Six Hundred Dollars (\$600) for the fiscal year 1940 and Six Hundred Dollars (\$600) for the fiscal year 1941.

Sec. 6. The fact that some twelve hundred (1200) children desire to take these examinations along with various adult citizens of Texas to secure college entrance and the fact that at the present time the Attorney General's opinion requires the funds to be deposited in the State Treasury and no method is satisfactory for withdrawing said funds from the State Treasury creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage and said Rule is hereby suspended, and it is so enacted.

On motion of Mr. Hardeman, the report was adopted by the following vote:

Yeas—118

Allison	Corry
Alsup	Crossley
Anderson	Davis of Jasper
Bailey	Davis of Upshur
Baker	Dean
of Fort Bend	Derden
Baker of Grayson	Dickison
Bell	Dickson
Blankenship	Donaghey
Boethel	Faulkner
Bond	Ferguson
Boyd	Fielden
Boyer	Fuchs
Bradbury	Galbreath
Bradford	Gilmer
Bray	Gordon, Mrs.
Bridgers	Hale
Broadfoot	Hamilton
Brown of Cherokee	Hankamer
Brown	Hardeman
of Nacogdoches	Hardin
Bundy	Harp
Burkett	Harrell of Bastrop
Burney	Harrell of Lamar
Cauthorn	Harris
Chambers	Heflin
Clark	Holland
Cleveland	Howard
Cockrell	Howington
Coleman	Hunt
Colson, Mrs.	Johnson of Ellis
Cornett	Kennedy

Kern	Riviere
Kerr	Roach
Kersey	Roberts
Kinard	Robinson
King	Russell
Langdon	Segrist
Lehman	Skiles
Leonard	Smith of Hopkins
Leyendecker	Spencer
Little	Stinson
Lock	Stoll
London	Talbert
McDonald	Tarwater
McFarland	Taylor
McMurry	Tennant
McNamara	Thornberry
Mohrmann	Thornton
Monkhouse	Turner
Montgomery	Voigt
Morris	Waggoner
Oliver	Weldon
Pace	Westbrook
Petsch	White
Pevehouse	Wilson
Reader of Erath	Winfree
Reaves	Wood
Reed	Worley
Rhodes	Wright

Absent

Allen	Loggins
Celaya	Mays
Colquitt	McDaniel
Daniel	Newell
Dwyer	Nicholson
Felty	Piner
Goodman	Pope
Harper	Ragsdale
Hartzog	Reader of Bexar
Hull	Shell
Isaacks	Smith of Frio
Johnson of Tarrant	Vint

Absent—Excused

Dowell	Smith
Keith	of Matagorda
McAlister	Vale
Schuenemann	Wells

HOUSE BILL NO. 97 WITH SEN-
ATE AMENDMENTS

Mr. Howard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 97, A bill to be entitled "An Act to amend Article 2199 of the Revised Civil Statutes, by adding thereto provisions for reading from the Court Reporter's notes; repealing conflicting law, and declaring an emergency."

On motion of Mr. Howard, the House concurred in the Senate amendments.

HOUSE BILL NO. 657 WITH SEN-
ATE AMENDMENTS

Mr. Tennant called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 657, A bill to be entitled "An Act providing the amount of salaries for the First Assistant to the Tax Assessor and Collector in certain counties; providing for the salaries of Cashiers of such Assessor and Collector; providing for the salaries of all other assistants and deputies to such an officer; repealing all laws in confliction therewith to the extent of the conflict only, and declaring an emergency."

On motion of Mr. Tennant, the House concurred in the Senate amendments, by the following vote:

Yeas—127

Allen	Dean
Allison	Derden
Anderson	Dickison
Bailey	Donaghey
Baker	Dwyer
of Fort Bend	Faulkner
Baker of Grayson	Felty
Bell	Ferguson
Blankenship	Fielden
Boethel	Fuchs
Bond	Galbreath
Boyd	Gilmer
Boyer	Gordon, Mrs.
Bradbury	Hale
Bradford	Hamilton
Bray	Hankamer
Bridgers	Hardeman
Broadfoot	Hardin
Brown of Cherokee	Harp
Bundy	Harper
Burkett	Harrell of Bastrop
Burney	Harrell of Lamar
Cauthorn	Harris
Celaya	Heflin
Chambers	Holland
Clark	Howard
Cleveland	Howington
Cockrell	Hull
Coleman	Hunt
Colson, Mrs.	Isaacks
Cornett	Johnson of Ellis
Crossley	Johnson of Tarrant
Daniel	Kennedy
Davis of Jasper	Kern
Davis of Upshur	Kerr

Kersey	Riviere
Kinard	Roach
King	Roberts
Langdon	Robinson
Lehman	Russell
Leonard	Segrist
Leyendecker	Skiles
Little	Smith of Hopkins
Lock	Spencer
Loggins	Stinson
London	Stoll
McDonald	Talbert
McFarland	Tarwater
McMurry	Taylor
McNamara	Tennant
Mohrmann	Thornberry
Monkhouse	Thornton
Montgomery	Turner
Morris	Vint
Newell	Voigt
Nicholson	Waggoner
Oliver	Weldon
Pace	Westbrook
Petsch	White
Pevehouse	Wilson
Reader of Erath	Winfree
Reaves	Wood
Reed	Worley
Rhodes	Wright

Nays—1

Dickson

Present—Not Voting

Brown
of Nacogdoches

Absent

Alsup	Piner
Colquitt	Pope
Corry	Ragsdale
Goodman	Reader of Bexar
Hartzog	Shell
Mays	Smith of Frio
McDaniel	

Absent—Excused

Dowell	Smith
Keith	of Matagorda
McAlister	Vale
Schuenemann	Wells

APPOINTMENT OF CONFERENCE COMMITTEE ON
HOUSE BILL
NO. 5

The Speaker announced the appointment of the following Conference Committee on House Bill No. 5: Mr. Smith of Frio, Mrs. Gordon, Mr. Isaacks, Mr. Russell and Mr. Allison.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 310, "An Act amending Senate Bill No. 170, Chapter 253, Acts of the Forty-second Legislature, Regular Session, pages 420-421, being Article 6203e of the Revised Civil Statutes of the State of Texas, providing for the establishment of the State Prison Psychopathic Hospital as a part of the Prison System of the State of Texas, and providing who may be committed thereto, and providing for the commitment to said institution of certain dangerous insane patients in the State Hospitals, providing a saving clause, and declaring an emergency."

H. B. No. 444, "An Act to amend Section 1, of H. B. No. 1045, Chapter 228, Acts of Regular Session, Forty-fifth Legislature."

H. B. No. 194, "An Act authorizing the State Board of Barber Examiners to approve agreements fixing minimum prices for barber services and establishing opening and closing hours for barber shops; fixing territorial units for voting such agreement; providing for orders of the Board to remain in effect until replaced by new agreements; providing for the State Board to adopt and enforce rules and orders necessary to administer the Act; providing for the posting of rules or orders; etc., and declaring an emergency."

SENATE BILLS ON FIRST
READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 13, to the Committee on Banks and Banking.

Senate Bill No. 111, to the Committee on Agriculture.

Senate Bill No. 141, to the Committee on Judiciary.

Senate Bill No. 426, to the Committee on Military Affairs.

RECESS

On motion of Mr. Boethel, the House, at 12:25 o'clock p. m., took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

The following Members were granted leaves of absence:

Mr. Little temporarily for this afternoon, on motion of Mr. Fielden.

Mr. Harrell of Bastrop for the afternoon, on motion of Mr. Taylor.

CHANGE IN STANDING COMMITTEES

The Speaker announced the appointment of Mr. Boethel to Membership on the following committees: Liquor Traffic, Agriculture, Enrolled Bills (Vice-Chairman), to succeed Mr. Olsen, deceased; and Municipal and Private Corporations, to succeed Mr. McAlister, resigned.

BILLS AND RESOLUTION
SIGNED BY THE
SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolution:

H. C. R. No. 91, Recalling House Bill No. 683 from the Governor.

S. B. No. 69, "An Act withdrawing from appearing party review in Court of Civil Appeals by means of writ of error, and declaring an emergency."

S. B. No. 216, "An Act to amend Section 17, House Bill No. 68, Chapter 3, Acts of the Regular Session of the Forty-fourth Legislature, and declaring an emergency."

MESSAGE FROM THE SENATE

Austin, Texas, April 12, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. B. No. 240, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a popula-

tion of not fewer than six thousand seven hundred fifty (6,750) and not more than six thousand, eight hundred fifty (6,850) inhabitants, whether organized under General or Special Laws; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

H. B. No. 461, A bill to be entitled "An Act providing for the amount of salary that may be paid by County Boards of Trustees to the County Superintendent of Public Instruction in counties with a population of not less than eighteen thousand, seven hundred and sixty (18,760) and not more than eighteen thousand, nine hundred and sixty (18,960), according to the last preceding Federal Census; repealing all laws or parts of laws in conflict herewith, and declaring an emergency." (With amendment.)

H. B. No. 564, A bill to be entitled "An Act amending Subdivision (b) of the first paragraph of Article 2529 of the Revised Civil Statutes of Texas, amended by Acts of 1937, Forty-fifth Legislature, page 319, Chapter 164, Section 1, so as to henceforth include within its provisions bonds issued by the Federal Farm Mortgage Corporation and consolidated Federal Land Bank bonds, declaring that all laws in conflict herewith are hereby repealed, fixing the effective date of this Act, and declaring an emergency."

H. B. No. 594, A bill to be entitled "An Act to amend Chapter 2 of Title 128 of the Revised Civil Statutes of 1925, so as to provide for dividing Water Improvement Districts organized or operating under said Chapter, when such Districts are operating under contract with the Department of the Interior of the Government of the United States, into districts for the election of directors thereof, and declaring an emergency."

H. B. No. 866, A bill to be entitled "An Act to provide for traveling expenses for members of the Commissioners Courts in certain counties, and declaring an emergency."

H. B. No. 84, A bill to be entitled "An Act so as to make it unlawful for any person to place, set, drag, or use any seine, net, or other device for taking fish and shrimp other than the ordinary pole and line, casting rod and reel, etc., and declaring an emergency."

H. B. No. 482, A bill to be entitled "An Act providing a closed season

during the months of January, February, March and April for taking or attempting to take fish in Uvalde and Zavala Counties, etc., and declaring an emergency."

H. B. No. 823, A bill to be entitled "An Act to amend Subsection (h) of Section 19, Chapter 465, of the Acts of the Forty-fourth Legislature, Second Called Session, by adding thereto a proviso applying in counties having a population of more than three hundred and fifty-five thousand (355,000), according to the last preceding Federal Census, fixing the limits of the salaries to be paid deputies, assistants, and employees of district, county and precinct officers; etc., and declaring an emergency."

H. B. No. 881, A bill to be entitled "An Act creating and establishing Callahan County Road District No. 1-A in Callahan County, Texas, etc., and declaring an emergency."

H. B. No. 883, A bill to be entitled "An Act to amend Article 6704 of the Revised Civil Statutes of Texas of 1925, by adding thereto a new subdivision to be known as subdivision 4, permitting, empowering, and authorizing the Commissioners' Court of any county containing a population of not less than five thousand, six hundred and ninety (5,690), nor more than five thousand, seven hundred and fifty (5,750), according to the last preceding Federal Census, to construct cattle guards on any or all of the first class, second class, or third class roads within their respective counties, etc., and declaring an emergency."

H. C. R. No. 73, Authorizing R. O. Drake to bring suit against the State Highway Department.

H. B. No. 481, A bill to be entitled "An Act providing regulations for the use of seines and nets for the removal of rough fish from the waters of Zavala County; etc., and declaring an emergency."

H. B. No. 236, A bill to be entitled "An Act authorizing the Commissioners' Court in each county in this State having a population of not less than thirty-four thousand (34,000), nor more than thirty-four thousand, two hundred (34,200), according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business only, etc., and declaring an emergency."

H. B. No. 587, A bill to be entitled "An Act providing the amount of traveling expenses that shall be allowed by the County Board of Trustees to the County Superintendent of Public Instruction for expenditures for traveling expenses in certain counties, etc., and declaring an emergency."

H. B. No. 814, A bill to be entitled "An Act to declare it unlawful to take, hunt, trap, ensnare, kill, or attempt to kill by any means whatsoever any wild deer, buck, doe, fawn, wild turkeys, or chucker quail in Young and Jack Counties for a period of four (4) years from and after the passage of this Act; etc., and declaring an emergency."

H. B. No. 822, A bill to be entitled "An Act to amend Article 7252, of the Revised Civil Statutes of Texas, of 1925, authorizing the Assessor and Collector of Taxes to appoint deputies to assist him in the assessment and collection of taxes; providing for bonds from such deputies; etc., and declaring an emergency."

H. B. No. 824, A bill to be entitled "An Act providing that in all counties containing a population of three hundred and fifty-five thousand (355,000) or more inhabitants, according to the last preceding Federal Census, the Commissioners' Court of each of such counties shall make a reasonable allowance, not to exceed Fifty (\$50.00) Dollars a month, to each Justice of the Peace for the operation of automobiles in connection with their official business; etc., and declaring an emergency." (With amendments.)

H. B. No. 840, A bill to be entitled "An Act prohibiting the setting of any steel trap, snare, or deadfall in certain counties for the purpose of taking any fur-bearing animals for a period of two (2) years; etc."

Respectfully,

BOB BARKER,

Secretary of the Senate.

SENATE BILL NO. 9 ON PASSAGE TO THIRD READING

The House resumed consideration of pending business, same being Senate Bill No. 9, Relative to the payment of old age assistance, etc., on its passage to third reading.

The bill having been read second time on this morning.

Mr. Hale offered the following amendment to the bill:

Amend committee substitute to Senate Bill No. 9, page 6, line 11, by strik-

ing out the period, and adding, the following:

"As an individual; but it is hereby specifically provided that under no circumstances shall the financial condition of any friends or relatives be considered in the determination of eligibility or of the amount to be received, nor shall the mere possession of real or personal property without any income accruing therefrom be a bar to assistance under the provisions of this Act."

HALE,
LEHMAN,
FIELDEN,
WESTBROOK.

(Pending consideration of the amendment, Mr. Bradbury occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Brown of Cherokee offered the following substitute for the amendment by Mr. Hale:

Amend committee substitute to Senate Bill No. 9, by adding two (2) Subsections to be known as Subsections "h" and "i," respectively, to read as follows:

"h" In determining the eligibility of an applicant for assistance under this Act, the Commission shall not take into consideration the ability of the children, or other relatives, of said applicant, to render said applicant assistance, and shall not inquire into the ability of the children, or other relatives of said applicant, to render assistance to said applicant.

"i" Does not own real estate in excess of the real estate now exempt under the Constitutional Laws of Texas, as a resident homestead and does not own personal property, if married, in excess of Fifteen Hundred (\$1,500.00) Dollars and, if single, One Thousand (\$1,000.00) Dollars and who has not in excess of Three Hundred Sixty (\$360.00) Dollars cash or marketable securities on hand, and whose annual net income is not in excess of Three Hundred Sixty (360.00) Dollars."

The substitute amendment by Mr. Brown of Cherokee was adopted.

The amendment, as substituted, was then adopted.

Mr. Alsup offered the following amendment to the bill:

Amend Senate Bill No. 9 by striking out all below the enacting clause

and inserting in lieu thereof the following:

"Section 1. The Old Age Assistance Commission may grant financial aid under this Act to any person who makes application therefor and who:

"(a) Has attained the age of sixty-five (65) years;

"(b) Is a citizen of the United States;

"(c) Has resided in the State of Texas for five (5) years or more within the last nine (9) years preceding the date of application for assistance, and has resided in the State of Texas continuously for one (1) year immediately preceding the application. The term 'residence' and 'resided,' as used in this Act, shall denote actual physical presence within this State as distinguished from the word 'domicile' and 'residence,' as used in their broader meaning;

"(d) Is not, at the time of receiving such aid, an inmate of any public or private home for the aged, or any public home, or any public or private institution of a custodial, correctional, or curative character; provided, however, that aid may be granted to persons temporarily confined in a private institution for medical or surgical care;

"(e) Has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid;

"(i) Is not a habitual criminal or a habitual drunkard;

"(j) Has no husband or wife, as the case may be, able to furnish him or her adequate support; provided, however, that the ability of children or other relatives to assist in supporting applicants for assistance shall never be taken into consideration;

"(k) In determining the need of an applicant, the rental value of the home of the applicant shall never be taken into consideration.

"Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

"Sec. 3. The fact that, under the present law, in determining the need of an applicant for assistance, the Old Age Assistance Commission is taking into consideration the ability of the children and other relatives of the applicant to support said applicant, as well as the rental value of the home of the said applicant, there-

by depriving many needy persons of their right to receive aid from the State of Texas, creates an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days be suspended, and such Rule is suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

ALSUP,
THORNTON,
MORRIS.

Mr. Hardin moved to table the amendment by Mr. Alsup.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows: Yeas, 67; Nays, 68.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

Yeas—67

Allen	Johnson of Ellis
Allison	Kerr
Bailey	Lehman
Blankenship	Leyendecker
Boyer	Lock
Bradbury	Loggins
Brown of Cherokee	London
Brown	McDaniel
of Nacogdoches	McMurry
Burkett	McNamara
Burney	Nicholson
Clark	Oliver
Cockrell	Pace
Colson, Mrs.	Petsch
Cornett	Pevehouse
Corry	Pope
Crossley	Ragsdale
Davis of Jasper	Reader of Erath
Derden	Reed
Dickison	Rhodes
Dickson	Riviere
Donaghey	Robinson
Faulkner	Russell
Fielden	Segrist
Galbreath	Skiles
Gilmer	Smith of Frio
Hale	Smith of Hopkins
Hardin	Spencer
Harp	Stinson
Harrell of Lamar	Taylor
Holland	Vale
Howington	Weldon

Westbrook
White

Wilson
Wright

Nays—67

Alsup	Isaacks
Anderson	Johnson of Tarrant
Baker of Grayson	Kennedy
Bell	Kern
Boethel	Kersey
Bond	Kinard
Boyd	King
Bradford	Langdon
Bray	Mays
Bridgers	McDonald
Broadfoot	McFarland
Bundy	Mohrmann
Cauthorn	Monkhouse
Celaya	Montgomery
Chambers	Morris
Cleveland	Newell
Coleman	Piner
Daniel	Reader of Bexar
Davis of Upshur	Reaves
Dwyer	Roach
Ferguson	Roberts
Fuchs	Stoll
Goodman	Talbert
Gordon, Mrs.	Tarwater
Hamilton	Tennant
Hankamer	Thornberry
Hardeman	Thornton
Harper	Turner
Harris	Voigt
Hartzog	Waggoner
Heflin	Winfree
Howard	Wood
Hull	Worley
Hunt	

Absent

Baker	Leonard
of Fort Bend	Little
Colquitt	Shell
Dean	Vint
Felty	

Absent—Excused

Dowell	Schuenemann
Harrell of Bastrop	Smith
Keith	of Matagorda
McAlister	Wells

The Speaker announced that the motion to table was lost.

Question then recurring on the amendment by Mr. Alsup, yeas and nays were demanded.

The roll of the House was called, and the vote announced, as follows: Yeas, 67; Nays, 69.

A verification of the vote was requested.

Mr. Wood moved a call of the House, pending the verification, and the call was duly ordered.

The roll of the "yeas," and "nays" was again called and the verified vote resulted, as follows:

Yeas—67

Alsup	Kinard
Anderson	King
Baker of Grayson	Langdon
Bell	Mays
Boethel	McDonald
Bond	McFarland
Boyd	Mohrmann
Bradford	Monkhouse
Bray	Montgomery
Bridgers	Morris
Broadfoot	Nicholson
Bundy	Piner
Cauthorn	Reader of Bexar
Celaya	Reaves
Chambers	Roach
Cleveland	Roberts
Daniel	Russell
Davis of Upshur	Schuenemann
Dwyer	Shell
Fuchs	Stoll
Goodman	Talbert
Gordon, Mrs.	Tarwater
Hamilton	Taylor
Hankamer	Tennant
Hardeman	Thornberry
Harper	Thornton
Harris	Turner
Heflin	Vint
Howard	Voigt
Hull	Waggoner
Hunt	Winfree
Isaacks	Wood
Johnson of Tarrant	Worley
Kern	

Nays—71

Allen	Derden
Allison	Dickison
Bailey	Dickson
Blankenship	Donaghey
Boyer	Faulkner
Bradbury	Ferguson
Brown of Cherokee	Fielden
Brown	Galbreath
of Nacogdoches	Gilmer
Burkett	Hale
Burney	Hardin
Clark	Harp
Cockrell	Harrell of Lamar
Coleman	Holland
Colson, Mrs.	Howington
Cornett	Johnson of Ellis
Corry	Kennedy
Crossley	Kerr
Davis of Jasper	Kersey

Lehman	Reader of Erath
Leonard	Reed
Leyendecker	Rhodes
Little	Riviere
Lock	Robinson
Loggins	Segrist
London	Skiles
McDaniel	Smith of Frio
McMurry	Smith of Hopkins
McNamara	Spencer
Newell	Stinson
Oliver	Vale
Pace	Weldon
Petsch	Westbrook
Pevehouse	White
Pope	Wilson
Ragsdale	Wright

Absent

Baker	Dean
of Fort Bend	Felty
Colquitt	Hartzog

Absent—Excused

Dowell	Smith
Harrell of Bastrop	of Matagorda
Keith	Wells
McAlister	

The Speaker announced that the amendment by Mr. Alsup was lost.

Mr. Clark moved that the vote be reconsidered, by which the amendment, by Mr. Bradbury, to Senate Bill No. 9 was on this morning adopted.

Mr. Bradbury moved to table the motion to reconsider.

Question—Shall the motion to table the motion to reconsider prevail?

RELATIVE TO CONFERENCE
COMMITTEE REPORT ON
HOUSE BILL
NO. 20

Mr. Fuchs moved that the Enrolling Clerk of the House be instructed to record on House Bill No. 20 the vote on adoption of the Conference Committee report as shown in the Journal of the House as finally corrected.

There was no objection offered, and it was so ordered.

PROVIDING FOR CONSIDERA-
TION OF LOCAL AND UN-
CONTESTED BILLS.

Mr. Mays moved that the House meet at 7:30 o'clock p. m., next Thursday for the consideration of Local and Uncontested bills.

The motion prevailed.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read, the following message from the Governor:

April 12, 1939.

To the Members of the House of Representatives of the Forty-sixth Legislature:

In compliance with the terms of House Concurrent Resolution No. 91, I am herewith returning House Bill No. 683 to your body for such further consideration as you wish to give it.

Very truly yours,

W. LEE O'DANIEL,
Governor.

HOUSE BILL NO. 824 WITH SENATE AMENDMENTS

Mr. Heflin called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 824, A bill to be entitled "An Act providing that in all counties containing a population of 350,000 or more inhabitants, according to the last preceding or any future Federal Census, the Commissioners' Court of each of such counties shall make a reasonable allowance, not to exceed Fifty (\$50) Dollars a month, to each Justice of the Peace for the operation of automobiles in connection with their official business, when such Justice of the Peace sits in a court maintained in the courthouse at the county seat of each of such counties, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

On motion of Mr. Heflin, the House concurred in the Senate amendments by the following vote:

Yeas—119

Allen	Broadfoot
Allison	Brown of Cherokee
Alsup	Brown
Anderson	of Nacogdoches
Bailey	Bundy
Baker of Grayson	Burkett
Bell	Burney
Blankenship	Cauthorn
Boethel	Chambers
Bond	Clark
Boyd	Cleveland
Boyer	Cockrell
Bradbury	Coleman
Bradford	Colson, Mrs.
Bridgers	Cornett

Corry	McDaniel
Crossley	McDonald
Daniel	McMurry
Davis of Jasper	McNamara
Davis of Upshur	Monkhouse
Derden	Montgomery
Dickison	Morris
Donaghey	Newell
Faulkner	Nicholson
Ferguson	Oliver
Fielden	Petsch
Fuchs	Pevehouse
Gilmer	Piner
Goodman	Pope
Gordon, Mrs.	Reader of Erath
Hale	Reaves
Hamilton	Reed
Hankamer	Rhodes
Hardeman	Riviere
Hardin	Roberts
Harp	Robinson
Harper	Russell
Harrell of Lamar	Schuenemann
Harris	Segrist
Heflin	Shell
Holland	Skiles
Howard	Smith of Hopkins
Howington	Spencer
Hull	Stinson
Isaacks	Stoll
Johnson of Ellis	Talbert
Johnson of Tarrant	Tarwater
Kennedy	Tennant
Kern	Thornberry
Kerr	Thornton
Kersey	Turner
Kinard	Waggoner
King	Weldon
Langdon	Westbrook
Lehman	White
Leyendecker	Wilson
Little	Winfree
Lock	Wood
Loggins	Worley
Mays	Wright

Present—Not Voting

Bray

Absent

Baker	London
of Fort Bend	McFarland
Celaya	Mohrmann
Colquitt	Pace
Dean	Ragsdale
Dickson	Reader of Bexar
Dwyer	Roach
Felty	Smith of Frio
Galbreath	Taylor
Hartzog	Vale
Hunt	Vint
Leonard	Voigt

Absent—Excused

Dowell	Smith
Harrell of Bastrop	of Matagorda
Keith	Wells
McAlister	

HOUSE BILL NO. 461 WITH SEN-
ATE AMENDMENTS

Mr. Vint called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 461, A bill to be entitled "An Act providing for the amount of salary that may be paid by County Boards of Trustees to the County Superintendent of Public Instruction in counties with a population of not less than eighteen thousand, seven hundred and sixty (18,760), and not more than eighteen thousand, nine hundred and sixty (18,960), according to the last preceding Federal Census; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

On motion of Mr. Vint, the House concurred in the Senate amendments, by the following vote:

Yeas—121

Allen	Donaghey
Allison	Faulkner
Alsup	Ferguson
Bailey	Fielden
Baker of Grayson	Fuchs
Bell	Galbreath
Boethel	Gilmer
Bond	Gordon, Mrs.
Boyd	Hale
Bradbury	Hamilton
Bradford	Hankamer
Bridgers	Hardeman
Broadfoot	Hardin
Brown of Cherokee	Harp
Brown	Harper
of Nacogdoches	Harrell of Lamar
Bundy	Harris
Burkett	Heflin
Burney	Holland
Cauthorn	Howard
Celaya	Howington
Chambers	Hunt
Clark	Isaacks
Cleveland	Johnson of Ellis
Cockrell	Johnson of Tarrant
Colquitt	Kennedy
Colson, Mrs.	Kern
Cornett	Kerr
Corry	Kersey
Daniel	Kinard
Davis of Upshur	King
Derden	Langdon

Lehman	Robinson
Leyendecker	Russell
Little	Schuenemann
Lock	Segrist
Loggins	Shell
London	Skiles
McDaniel	Smith of Hopkins
McDonald	Spencer
McFarland	Stinson
McMurry	Stoll
McNamara	Talbert
Mohrmann	Tarwater
Monkhouse	Taylor
Morris	Tennant
Newell	Thornberry
Nicholson	Thornton
Oliver	Turner
Petsch	Vale
Pevehouse	Vint
Piner	Voigt
Pope	Waggoner
Ragsdale	Weldon
Reader of Erath	Westbrook
Reaves	White
Reed	Wilson
Rhodes	Winfree
Riviere	Wood
Roach	Worley
Roberts	Wright

Present—Not Voting

Bray

Absent

Anderson	Dwyer
Baker	Felty
of Fort Bend	Goodman
Blankenship	Hartzog
Boyer	Hull
Coleman	Leonard
Crossley	Mays
Davis of Jasper	Montgomery
Dean	Pace
Dickison	Reader of Bexar
Dickson	Smith of Frio

Absent—Excused

Dowell	Smith
Harrell of Bastrop	of Matagorda
Keith	Wells
McAlister	

MESSAGE FROM THE SENATE

Austin, Texas, April 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. B. No. 266, A bill to be entitled: "An Act making an appropriation for:

the use of the Guadalupe-Blanco River Authority, providing that it shall be repaid to the State of Texas, and declaring an emergency."

H. B. No. 845, A bill to be entitled "An Act making it unlawful to take or kill any wild fox in the Counties of Young and/or Jack for a period of two years, and declaring an emergency."

H. B. No. 867, A bill to be entitled "An Act providing that in counties having a population of not less than twenty-two thousand, one hundred (22,100), and not more than twenty-two thousand, five hundred (22,500), according to the last preceding Federal Census, etc., the judge may appoint a court stenographer, and declaring an emergency."

H. B. No. 874, A bill to be entitled "An Act to amend Subsection (e) of Section 2 of Article 3912e-2, Revised Civil Statutes of Texas, being House Bill No. 165, Acts, 1937, Forty-fifth Legislature, Regular Session, etc., and declaring an emergency."

H. B. No. 876, A bill to be entitled "An Act fixing the compensation for County Commissioners in certain counties, etc., and declaring an emergency."

H. B. No. 882, A bill to be entitled "An Act creating and establishing Callahan County Road District No. 2 in Callahan County, etc., and declaring an emergency."

H. B. No. 868, A bill to be entitled "An Act validating the creation or attempted creation of all consolidated rural high school districts in this State, located in all counties having a population of not less than forty-eight thousand, five hundred and seventy (48,570), according to the last preceding Federal Census, and where such rural high school districts have a population of not less than two hundred and eighty (280) and not more than two hundred and ninety-five (295) scholastics, etc., and declaring an emergency."

H. B. No. 889, A bill to be entitled "An Act making it unlawful to take any fish from any of the fresh water lakes, rivers, bayous, sloughs, and/or any other fresh waters in Jack County, etc., and declaring an emergency."

H. B. No. 913, A bill to be entitled "An Act providing for more adequate and equitable salary for County Superintendents of Public Instruction in

all those counties of Texas, coming within the brackets and population figures herein, etc., and declaring an emergency."

H. B. No. 202, A bill to be entitled "An Act to amend Section 1, of Article 2351a of the Revised Civil Statutes of Texas of 1925, the same being House Bill No. 427, Acts, 1937, of the Forty-fifth Legislature, Regular Session, etc., and declaring an emergency."

H. C. R. No. 52, Granting N. A. Moore permission to sue the State of Texas.

Respectfully,

BOB BARKER,

Secretary of the Senate.

(Mr. Thornton in the Chair.)

RELATIVE TO OLD AGE ASSISTANCE GRANTS

On motion of Mr. Hale, the following ("Title I—Grants to State for Old Age Assistance—74th Congress, House Resolution 7260 was ordered printed in the Journal."):

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GRANTS TO STATES FOR OLD-AGE ASSISTANCE

Appropriation

Section 1. For the purpose of enabling each State to furnish financial assistance, as far as practicable under the conditions in such State, to aged needy individuals, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of \$49,750,000, and there is hereby authorized to be appropriated for each fiscal year thereafter a sum sufficient to carry out the purposes of this title. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Social Security Board established by Title VII (hereinafter referred to as the "Board"), State plans for old-age assistance.

State Old-Age Assistance Plans

Sec. 2. (a) A State plan for old-age assistance must (1) provide that it shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory

upon them; (2) provide for financial participation by the State; (3) either provide for the establishment or designation of a single State agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan; (4) provide for granting to any individual, whose claim for old-age assistance is denied, an opportunity for a fair hearing before such State agency; (5) provide such methods of administration (other than those relating to selection, tenure of office, and compensation of personnel) as are found by the Board to be necessary for the efficient operation of the plan; (6) provide that the State agency will make such reports, in such form and containing such information, as the Board may from time to time require, and comply with such provisions as the Board may from time to time find necessary to assure the correctness and verification of such reports; and (7) provide that, if the State or any of its political subdivisions collects from the estate of any recipient of old-age assistance any amount with respect to old-age assistance furnished him under the plan, one-half of the net amount so collected shall be promptly paid to the United States. Any payment so made shall be deposited in the Treasury to the credit of the appropriation for the purposes of this title.

(b) The Board shall approve any plan which fulfills the conditions specified in subsection (a), except that it shall not approve any plan which imposes, as a condition of eligibility for old-age assistance under the plan—

(1) An age requirement of more than sixty-five years, except that the plan may impose, effective until January 1, 1940, an age requirement of as much as seventy years; or

(2) Any residence requirement which excludes any resident of the State who has resided therein five years during the nine years immediately preceding the application for old-age assistance and has resided therein continuously for one year immediately preceding the application; or

(3) Any citizenship requirement which excludes any citizen of the United States.

Payment to States

Sec. 3. (a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for old-age assistance, for each quarter, beginning with the quarter commencing July 1, 1935, (1) an amount, which shall be used exclusively as old-age assistance, equal to one-half of the total of the sums expended during such quarter as old-age assistance under the State plan with respect to each individual who at the time of such expenditure is sixty-five years of age or older and is not an inmate of a public institution, not counting so much of such expenditure with respect to any individual for any month as exceeds \$30, and (2) 5 per centum of such amount, which shall be used for paying the costs of administering the State plan or for old-age assistance, or both, and for no other purpose: Provided, That the State plan, in order to be approved by the Board, need not provide for financial participation before July 1, 1937 by the State, in the case of any State which the Board, upon application by the State and after reasonable notice and opportunity for hearing to the State, finds is prevented by its constitution from providing such financial participation.

(b) The method of computing and paying such amounts shall be, as follows:

(1) The Board shall, prior to the beginning of each quarter, estimate the amount to be paid to the State for such quarter under the provisions of clause (1) of subsection (a), such estimate to be based on (A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such clause, and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than one-half of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived, (B) records showing the number of aged individuals in the State, and (C) such other investigation as the Board may find necessary.

(2) The Board shall then certify to the Secretary of the Treasury the

amount so estimated by the Board, reduced or increased, as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the State under clause (1) of subsection (a) for such quarter, except to the extent that such sum has been applied to make the amount certified for any prior quarter greater or less than the amount estimated by the Board for such prior quarter.

(3) The Secretary of the Treasury shall thereupon, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Board, the amount so certified, increased by 5 per centum.

Operation of State Plans

Sec. 4. In the case of any State plan for old-age assistance which has been approved by the Board, if the Board, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of such plan, finds—

(1) that the plan has been so changed as to impose any age, residence, or citizenship requirement prohibited by section 2 (b), or that in the administration of the plan any such prohibited requirement is imposed, with the knowledge of such State agency, in a substantial number of cases; or

(2) that in the administration of the plan there is a failure to comply substantially with any provision required by section 2 (a) to be included in the plan;

the Board shall notify such State agency that further payments will not be made to the State until the Board is satisfied that such prohibited requirement is no longer so imposed, and that there is no longer any such failure to comply. Until it is so satisfied it shall make no further certification to the Secretary of the Treasury with respect to such State.

Administration

Sec. 5. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1936, the sum of \$250,000, for all necessary expenses of the Board in administering the provisions of this title.

Definition

Sec. 6. When used in this title the term "old-age assistance" means money payments to aged individuals.

COMMUNICATION FROM SOCIAL SECURITY BOARD

On motion of Mr. Clark, the following communication was ordered printed in the Journal:

Washington, D. C., January 26, 1939.
Hon. Clyde Garrett, House of Representatives, Washington, D. C.

Dear Congressman Garrett: Thank you for your letter of January 23, with which you enclosed a communication from Mr. Omar Burkett asking the opinion of the Social Security Board concerning a plan under which applications for old age assistance would be accepted and investigated by the County Judges and Commissioners' Courts of the various counties.

Sec. 2. (a) (3) of the Social Security Act requires that a State plan for old age assistance, which is the basis for Federal grants for this type of aid, must "either provide for the establishment or designation of a single State agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan." Under the Federal law, therefore, there must be a State agency with which the Social Security Board may deal as the agency responsible for the administration of the program in the State, and to which the Federal government may look for the efficient administration of the program and the maintenance of substantially similar standards of treatment for individuals in all sections of the State.

There is no State in which the work involved in the local administration of old age assistance is carried on directly by County Judges, Commissioners' Courts, or similar agencies. The plans of organization in the States fall into two general groups. In the first type, the State agency maintains its own branch offices which are responsible for the investigation of applications and the determinations of the amount of assistance to be awarded to eligible individuals. This type of organization usually has been developed in States in which the entire cost of the old age assistance program (other than the share borne

by the Federal government) has been assumed by the State. The other type of organization places the responsibility for local administration of old age assistance in a county agency such as the county department of public welfare. This agency is required to carry on the administration of assistance under the supervision of the State agency and in accordance with rules and regulations established by the State agency. Under this form of organization the county or other local governmental subdivision usually assumes some part of the cost of the program.

I trust that this is the information that you desire.

Sincerely yours,

A. J. ALTMEYER,
Chairman.

AUTHORIZING CERTAIN CORRECTION IN HOUSE BILL NO. 391

Mr. Nicholson offered the following resolution:

H. C. R. No. 93, Authorizing certain correction in House Bill No. 391.

Whereas, House Bill No. 391 has passed the House and Senate; and

Whereas, On page 2, line 3 of said House Bill No. 391, the following intended words were inadvertently omitted: "in which it shall be unlawful to use said strike nets, gill nets, trammel nets, or shrimp trawls;" now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to insert these words immediately after the word "follows," and also be authorized to amend the caption to conform to the body of the bill.

NICHOLSON,
KINARD,
RIVIERE.

The resolution was read second time, and was adopted.

RELATIVE TO HOUSE BILL NO. 20

By unanimous consent of the House, the following Members were granted permission to record their vote as "yea" on the adoption of the Conference Committee Report on House Bill No. 20: Messrs. Bond, Celaya, Dickson, Fielden, Hull, Monkhouse, Smith of Matagorda, Nicholson, Langdon, Leonard, Gilmer and Allison.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 266, to the Committee on Appropriations.

RELATIVE TO HOUSE BILL NO. 908

Mr. Allison asked unanimous consent of the House, that he be recorded as voting "yea" on the final passage of House Bill No. 908, Mr. Allison having been absent-excused on account of illness on yesterday afternoon.

There was no objection offered, and it was so ordered.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Johnson of Tarrant and Mr. Corry:

H. B. No. 974, A bill to be entitled "An Act to amend House Bill No. 473, Section 1, Acts of the Forty-sixth Legislature, Regular Session, so as to fix the term of office of the County Purchasing Agent in all counties in this State having a population of more than one hundred and forty thousand (140,000) inhabitants and less than two hundred and ninety thousand (290,000) inhabitants, according to the last preceding Federal Census, and wherein is situated an incorporated city of more than one hundred and forty thousand (140,000) inhabitants, according to the last preceding Federal Census; providing that the salary of said County Purchasing Agent shall be fixed by the board composed of the Judges of the District Courts and the County Judge, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. McFarland, Mr. Bundy and Mr. Donaghey:

H. B. No. 975, A bill to be entitled "An Act providing that Corporation Courts in cities of the State of Texas with a population of not less than forty thousand (40,000) nor more than sixty thousand (60,000) people,

which cities are located in a county or counties which do not have a county court at law, shall have final jurisdiction in all cases tried in such courts where the defendants have entered a plea of guilty in such courts; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Judiciary.

Mr. Johnson of Tarrant asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 976.

There was no objection.

The Chair then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Johnson of Tarrant:

H. B. No. 976, A bill to be entitled "An Act to amend Article 5790 of the Revised Civil Statutes of Texas, 1925, relating to the powers of the Adjutant General of the State of Texas, and declaring an emergency."

Referred to the Committee on Military Affairs.

ADJOURNMENT

On motion of Mr. Smith of Hopkins, the House, at 5:20 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Revenue and Taxation: House Bills Nos. 19, 331 and 902.

Education: House Bills Nos. 327, 775, 962; Senate Bills Nos. 54, 283, 318, 319, 355 and 412.

Live Stock and Stock Raising: House Bill No. 954.

Labor: House Bill No. 489.

Agriculture: House Bill No. 950.

Counties: House Bills Nos. 907, 922, 968, 971, 973; Senate Bill No. 287.

Insurance: Senate Bills Nos. 272 and 404.

Public Health: Senate Bill No. 276.

Contingent Expenses: House Concurrent Resolution No. 77.

Judicial Districts: Senate Bill No. 410.

Highways and Motor Traffic: Senate Bill No. 415.

Criminal Jurisprudence: House Bill No. 963.

The following committees have filed adverse reports on bills, as follows:

Highways and Motor Traffic: House Bill No. 289.

Revenue and Taxation: House Bill No. 203.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 9, A bill to be entitled "An Act providing the method of making application to purchase or lease unsurveyed school land, commonly known as vacancies; providing for notice to those whose rights may be affected, and a public hearing; providing a limitation upon the time in which such application must be acted upon and in which suit may be filed to establish the same; validating long established lines and corners and providing for presumption of their correctness in trials involving location of boundaries, and attempts to locate vacancies between surveys long considered to adjoin; placing the burden of proof upon the party asserting such vacancy; giving a preference right to purchase such vacancy to the person or persons claiming the same in good faith regardless of the proximity of such land to wells producing oil and gas at a price dependent on whether or not such vacancy is excess land, and providing that such purchase shall be subject to certain mineral reservations as a free royalty to the State; fixing the time and conditions under which such preference right to purchase may be exercised; repealing all laws or parts of laws in conflict herewith; providing that if a part of this Act shall be held unconstitu-

tional such holding shall not affect the remainder hereof, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 11, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 91, Requesting return of House Bill No. 683 from the Governor's Office.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 11, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. B. No. 908, A bill to be entitled "An Act to provide revenues for the purposes set out herein designated as social security taxes, such taxes to be levied upon transactions, services, activities, and natural resources as set out by the provisions of this Act; providing for severance taxes in certain instances, making certain exceptions; defining the terms 'person', 'sale', 'tangible personal propetry' and 'sale for industrial purposes'; providing that the Comptroller of Public Accounts shall collect the taxes levied herein and pay the same to the State Treasurer; providing that the State Treasurer shall open and maintain certain special funds; providing for the transfer from the Texas Old Age Assistance Fund to the Destitute Children's Assistance Fund of One Million, Five Hundred Thousand (\$1,500,000.00) Dollars; providing for the transfer from the Texas Old Age Assistance Fund to the Teachers' Retirement Fund of an amount adequate to meet obligations for the period set out herein; providing that old age assistance, destitute children's assistance, teacher's retirement benefits and needy blind assistance and the State's administration thereof shall be paid exclusively from the revenue derived from the taxes herein levied and providing that no further taxes shall be levied for such purpose; mak-

ing provisions relative to any deficit that may exist in the Old Age Assistance Fund; providing that the taxes levied herein are in addition to all other taxes that are now or may hereafter be levied; prohibiting cities or other political subdivisions of the State from levying occupation taxes or charges upon any person engaged in business in which the sales or service transactions are taxed under this Act and making certain exceptions; providing the effective date of this Act; repealing all laws or parts of laws in conflict herewith, and providing a saving clause."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 444, "An Act to amend Section 1, of House Bill No. 1045, Chapter 228, Acts of the Regular Session, Forty-fifth Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, April 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 194, "An Act defining 'Barber Board;' authorizing the State Board of Barber Examiners to approve agreements fixing minimum prices for barber services; providing for agreements to be submitted by eighty-five (85) per cent of the licensed barbers in any one county of the State; providing the minimum for haircuts shall not exceed forty (40) cents; providing for orders of the Board to remain in effect until replaced by new agreements; providing for the State Board to adopt and enforce rules and orders necessary to administer the Act; providing for the posting of rules or orders; providing for deviation from established mini-

mum by certain barbers; providing for practice and procedure of the Board with respect to investigations; providing for treatment by the Board of violations of this Act; providing for the Board to administer and enforce the provisions of this Act; providing nothing in this Act shall affect any regulation of the State Board of Health or authority now vested in State Bureau of Labor Statistics; regulating barber schools or barber colleges; providing a penalty for violating the provisions of this Act; providing for refusal to grant a license or for suspension or revocation of licenses by the Board; providing for appeal from action of the Board; providing for the payment of expenses of administration of this Act; providing for fees for permits and placing such fees in a special enforcement fund; providing that the provisions of this Act shall be cumulative; providing a saving clause; repealing all laws in conflict herewith; providing this Act shall not be construed as an amendment to, nor in any manner repealing, the Anti-trust Laws of this State or the United States, and declaring an emergency."

BAILEY, Acting Chairman.

Austin, Texas, April 10, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 310, "An Act amending Senate Bill No. 170, Chapter 253, Acts of the Forty-second Legislature, Regular Session, pages 420 and 421; providing for the establishment of the State Prison Psychopathic Hospital as a part of the Prison System of the State of Texas; and providing who may be committed thereto; providing for proceedings for commitment and admission of certain dangerous insane inmates of State Hospitals; providing for the appointment of a Medical Director and other employees and for the promulgation of rules and regulations by the Board of Prison Managers; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, April 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 91, Requesting return of House Bill No. 683 from the Governor's office.

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

SENT TO THE GOVERNOR

April 12, 1939

House Bill No. 74.

House Bill No. 685.

House Bill No. 720.

House Bill No. 310.

House Bill No. 444.

House Bill No. 194.

House Concurrent Resolution No. 86.

House Concurrent Resolution No. 87.

House Concurrent Resolution No. 88.

House Concurrent Resolution No. 44.

House Concurrent Resolution No. 91.

FIFTY-FOURTH DAY

(Thursday, April 13, 1939.)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Bray
Allen	Bridgers
Allison	Broadfoot
Alsup	Brown of Cherokee
Anderson	Brown
Bailey	of Nacogdoches
Baker	Bundy
of Fort Bend	Burkett
Baker of Grayson	Burney
Bell	Cauthorn
Blankenship	Celaya
Boethel	Chambers
Bond	Clark
Boyd	Cleveland
Boyer	Cockrell
Bradbury	Coleman
Bradford	Colson, Mrs.